



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1244

Introduced 2/15/2007, by Rep. James H. Meyer

SYNOPSIS AS INTRODUCED:

750 ILCS 60/Art. V heading new
750 ILCS 60/501 new
750 ILCS 60/505 new
750 ILCS 60/510 new
750 ILCS 60/515 new
5 ILCS 140/7

from Ch. 116, par. 207

Amends the Illinois Domestic Violence Act of 1986. Creates the Domestic Violence Prevention Review Board. Authorizes the Board to create Domestic Violence Fatality Review Teams to gather and review information concerning fatal and near-fatal violence incidents, including suicides. Provides that information relevant to the investigation of a crime may be disclosed by a Team only to the prosecuting attorney or to a law enforcement agency or may be made available to the Attorney General, upon request. Limits the liability for a Team member or a person providing information to a Team for civil damages arising out of an official act or an omission during the gathering or processing of information by a Team, except for acts or omissions that constitute willful or wanton misconduct on the part of the member or person providing information or acts performed outside the scope of the authority of the Team. Amends the Freedom of Information Act. Exempts information gathered by a Domestic Violence Fatality Review Team from the requirements of the Act. Effective immediately.

LRB095 09271 AJ0 29465 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning domestic violence.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Domestic Violence Act of 1986 is
5 amended by adding Article V as follows:

6 (750 ILCS 60/Art. V heading new)

7 ARTICLE V

8 FATALITY REVIEW TEAMS

9 (750 ILCS 60/501 new)

10 Sec. 501. Domestic Violence Prevention and Treatment
11 Board.

12 (a) There is hereby created the Domestic Violence
13 Prevention and Treatment Board.

14 (b) The Board shall consist of 9 members appointed as soon
15 as possible after this amendatory Act of the 95th General
16 Assembly takes effect. The members shall be appointed as
17 follows: one member appointed by the Speaker of the House of
18 Representatives; one member appointed by the Minority Leader of
19 the House of Representatives; one member appointed by the
20 President of the Senate; one member appointed by the Minority
21 Leader of the Senate; and 5 members appointed by the Governor
22 with one member representing domestic violence groups within

1 the State, one member from the Illinois State Police, one
2 member representing rape crisis counselors, one member from the
3 Department of Children and Family Services, and one member
4 representing the general public.

5 (c) At its first meeting, the Board shall elect from among
6 its members a Chairperson and other officers it considers
7 necessary or appropriate. After its first meeting, the Board
8 shall meet at least quarterly, or more frequently at the call
9 of the Chairperson or if requested by 5 or more members.

10 (d) A majority of the members of the Board constitute a
11 quorum for the transaction of business at a meeting of the
12 Board. A majority of the members present and serving is
13 required for official action of the Board.

14 (e) Members of the Board shall serve without compensation.
15 However, members of the Board may be reimbursed for their
16 actual and necessary expenses incurred in the performance of
17 their official duties as members of the Board.

18 (f) The Board shall do the following:

19 (1) Authorize the State and a county or counties to
20 establish inter-agency Domestic Violence Fatality Review
21 Teams.

22 (2) Develop guidelines, rules, and protocols under
23 which the Domestic Violence Fatality Review Teams shall
24 operate.

25 (3) Require the Domestic Violence Fatality Review
26 Teams to report annually to the Board concerning the

1 information gathered.

2 (4) Provide guidelines concerning the content and
3 format of the reports to the Board.

4 (5) Provide for ongoing training for the Domestic
5 Violence Fatality Review Teams.

6 (750 ILCS 60/505 new)

7 Sec. 505. Domestic Violence Fatality Review Teams. The
8 Board shall create Domestic Violence Fatality Review Teams. The
9 Teams shall gather and review information concerning fatal and
10 near-fatal violence incidents, including suicides, and shall
11 report to the Board concerning this information.

12 (750 ILCS 60/510 new)

13 Sec. 510. Information; confidentiality.

14 (a) Information obtained or created by the Teams shall be
15 confidential and shall not be subject to civil discovery of the
16 Freedom of Information Act.

17 (b) Documents created by a Team shall not be subject to
18 subpoena, discovery, or introduction into evidence, unless the
19 document would otherwise be available from an alternate source.

20 (c) Information relevant to the investigation of a crime
21 may be disclosed by a Team only to the prosecuting attorney or
22 to a law enforcement agency. Information may also be made
23 available to the Attorney General, upon request.

1 (750 ILCS 60/515 new)

2 Sec. 515. Liability. No member of a Team and no person
3 providing information to a Team shall be liable for civil
4 damages arising out of an official act or an omission during
5 the gathering or processing of information by a Team, except
6 for acts or omissions that constitute willful or wanton
7 misconduct on the part of the member or person providing
8 information or acts performed outside the scope of the
9 authority of the Team.

10 Section 10. The Freedom of Information Act is amended by
11 changing Section 7 as follows:

12 (5 ILCS 140/7) (from Ch. 116, par. 207)

13 Sec. 7. Exemptions.

14 (1) The following shall be exempt from inspection and
15 copying:

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and regulations
18 adopted under federal or State law.

19 (b) Information that, if disclosed, would constitute a
20 clearly unwarranted invasion of personal privacy, unless
21 the disclosure is consented to in writing by the individual
22 subjects of the information. The disclosure of information
23 that bears on the public duties of public employees and
24 officials shall not be considered an invasion of personal

1 privacy. Information exempted under this subsection (b)
2 shall include but is not limited to:

3 (i) files and personal information maintained with
4 respect to clients, patients, residents, students or
5 other individuals receiving social, medical,
6 educational, vocational, financial, supervisory or
7 custodial care or services directly or indirectly from
8 federal agencies or public bodies;

9 (ii) personnel files and personal information
10 maintained with respect to employees, appointees or
11 elected officials of any public body or applicants for
12 those positions;

13 (iii) files and personal information maintained
14 with respect to any applicant, registrant or licensee
15 by any public body cooperating with or engaged in
16 professional or occupational registration, licensure
17 or discipline;

18 (iv) information required of any taxpayer in
19 connection with the assessment or collection of any tax
20 unless disclosure is otherwise required by State
21 statute;

22 (v) information revealing the identity of persons
23 who file complaints with or provide information to
24 administrative, investigative, law enforcement or
25 penal agencies; provided, however, that identification
26 of witnesses to traffic accidents, traffic accident

1 reports, and rescue reports may be provided by agencies
2 of local government, except in a case for which a
3 criminal investigation is ongoing, without
4 constituting a clearly unwarranted per se invasion of
5 personal privacy under this subsection; and

6 (vi) the names, addresses, or other personal
7 information of participants and registrants in park
8 district, forest preserve district, and conservation
9 district programs.

10 (c) Records compiled by any public body for
11 administrative enforcement proceedings and any law
12 enforcement or correctional agency for law enforcement
13 purposes or for internal matters of a public body, but only
14 to the extent that disclosure would:

15 (i) interfere with pending or actually and
16 reasonably contemplated law enforcement proceedings
17 conducted by any law enforcement or correctional
18 agency;

19 (ii) interfere with pending administrative
20 enforcement proceedings conducted by any public body;

21 (iii) deprive a person of a fair trial or an
22 impartial hearing;

23 (iv) unavoidably disclose the identity of a
24 confidential source or confidential information
25 furnished only by the confidential source;

26 (v) disclose unique or specialized investigative

1 techniques other than those generally used and known or
2 disclose internal documents of correctional agencies
3 related to detection, observation or investigation of
4 incidents of crime or misconduct;

5 (vi) constitute an invasion of personal privacy
6 under subsection (b) of this Section;

7 (vii) endanger the life or physical safety of law
8 enforcement personnel or any other person; or

9 (viii) obstruct an ongoing criminal investigation.

10 (d) Criminal history record information maintained by
11 State or local criminal justice agencies, except the
12 following which shall be open for public inspection and
13 copying:

14 (i) chronologically maintained arrest information,
15 such as traditional arrest logs or blotters;

16 (ii) the name of a person in the custody of a law
17 enforcement agency and the charges for which that
18 person is being held;

19 (iii) court records that are public;

20 (iv) records that are otherwise available under
21 State or local law; or

22 (v) records in which the requesting party is the
23 individual identified, except as provided under part
24 (vii) of paragraph (c) of subsection (1) of this
25 Section.

26 "Criminal history record information" means data

1 identifiable to an individual and consisting of
2 descriptions or notations of arrests, detentions,
3 indictments, informations, pre-trial proceedings, trials,
4 or other formal events in the criminal justice system or
5 descriptions or notations of criminal charges (including
6 criminal violations of local municipal ordinances) and the
7 nature of any disposition arising therefrom, including
8 sentencing, court or correctional supervision,
9 rehabilitation and release. The term does not apply to
10 statistical records and reports in which individuals are
11 not identified and from which their identities are not
12 ascertainable, or to information that is for criminal
13 investigative or intelligence purposes.

14 (e) Records that relate to or affect the security of
15 correctional institutions and detention facilities.

16 (f) Preliminary drafts, notes, recommendations,
17 memoranda and other records in which opinions are
18 expressed, or policies or actions are formulated, except
19 that a specific record or relevant portion of a record
20 shall not be exempt when the record is publicly cited and
21 identified by the head of the public body. The exemption
22 provided in this paragraph (f) extends to all those records
23 of officers and agencies of the General Assembly that
24 pertain to the preparation of legislative documents.

25 (g) Trade secrets and commercial or financial
26 information obtained from a person or business where the

1 trade secrets or information are proprietary, privileged
2 or confidential, or where disclosure of the trade secrets
3 or information may cause competitive harm, including:

4 (i) All information determined to be confidential
5 under Section 4002 of the Technology Advancement and
6 Development Act.

7 (ii) All trade secrets and commercial or financial
8 information obtained by a public body, including a
9 public pension fund, from a private equity fund or a
10 privately held company within the investment portfolio
11 of a private equity fund as a result of either
12 investing or evaluating a potential investment of
13 public funds in a private equity fund. The exemption
14 contained in this item does not apply to the aggregate
15 financial performance information of a private equity
16 fund, nor to the identity of the fund's managers or
17 general partners. The exemption contained in this item
18 does not apply to the identity of a privately held
19 company within the investment portfolio of a private
20 equity fund, unless the disclosure of the identity of a
21 privately held company may cause competitive harm.

22 Nothing contained in this paragraph (g) shall be construed
23 to prevent a person or business from consenting to disclosure.

24 (h) Proposals and bids for any contract, grant, or
25 agreement, including information which if it were
26 disclosed would frustrate procurement or give an advantage

1 to any person proposing to enter into a contractor
2 agreement with the body, until an award or final selection
3 is made. Information prepared by or for the body in
4 preparation of a bid solicitation shall be exempt until an
5 award or final selection is made.

6 (i) Valuable formulae, computer geographic systems,
7 designs, drawings and research data obtained or produced by
8 any public body when disclosure could reasonably be
9 expected to produce private gain or public loss. The
10 exemption for "computer geographic systems" provided in
11 this paragraph (i) does not extend to requests made by news
12 media as defined in Section 2 of this Act when the
13 requested information is not otherwise exempt and the only
14 purpose of the request is to access and disseminate
15 information regarding the health, safety, welfare, or
16 legal rights of the general public.

17 (j) Test questions, scoring keys and other examination
18 data used to administer an academic examination or
19 determined the qualifications of an applicant for a license
20 or employment.

21 (k) Architects' plans, engineers' technical
22 submissions, and other construction related technical
23 documents for projects not constructed or developed in
24 whole or in part with public funds and the same for
25 projects constructed or developed with public funds, but
26 only to the extent that disclosure would compromise

1 security, including but not limited to water treatment
2 facilities, airport facilities, sport stadiums, convention
3 centers, and all government owned, operated, or occupied
4 buildings.

5 (l) Library circulation and order records identifying
6 library users with specific materials.

7 (m) Minutes of meetings of public bodies closed to the
8 public as provided in the Open Meetings Act until the
9 public body makes the minutes available to the public under
10 Section 2.06 of the Open Meetings Act.

11 (n) Communications between a public body and an
12 attorney or auditor representing the public body that would
13 not be subject to discovery in litigation, and materials
14 prepared or compiled by or for a public body in
15 anticipation of a criminal, civil or administrative
16 proceeding upon the request of an attorney advising the
17 public body, and materials prepared or compiled with
18 respect to internal audits of public bodies.

19 (o) Information received by a primary or secondary
20 school, college or university under its procedures for the
21 evaluation of faculty members by their academic peers.

22 (p) Administrative or technical information associated
23 with automated data processing operations, including but
24 not limited to software, operating protocols, computer
25 program abstracts, file layouts, source listings, object
26 modules, load modules, user guides, documentation

1 pertaining to all logical and physical design of
2 computerized systems, employee manuals, and any other
3 information that, if disclosed, would jeopardize the
4 security of the system or its data or the security of
5 materials exempt under this Section.

6 (q) Documents or materials relating to collective
7 negotiating matters between public bodies and their
8 employees or representatives, except that any final
9 contract or agreement shall be subject to inspection and
10 copying.

11 (r) Drafts, notes, recommendations and memoranda
12 pertaining to the financing and marketing transactions of
13 the public body. The records of ownership, registration,
14 transfer, and exchange of municipal debt obligations, and
15 of persons to whom payment with respect to these
16 obligations is made.

17 (s) The records, documents and information relating to
18 real estate purchase negotiations until those negotiations
19 have been completed or otherwise terminated. With regard to
20 a parcel involved in a pending or actually and reasonably
21 contemplated eminent domain proceeding under the Eminent
22 Domain Act, records, documents and information relating to
23 that parcel shall be exempt except as may be allowed under
24 discovery rules adopted by the Illinois Supreme Court. The
25 records, documents and information relating to a real
26 estate sale shall be exempt until a sale is consummated.

1 (t) Any and all proprietary information and records
2 related to the operation of an intergovernmental risk
3 management association or self-insurance pool or jointly
4 self-administered health and accident cooperative or pool.

5 (u) Information concerning a university's adjudication
6 of student or employee grievance or disciplinary cases, to
7 the extent that disclosure would reveal the identity of the
8 student or employee and information concerning any public
9 body's adjudication of student or employee grievances or
10 disciplinary cases, except for the final outcome of the
11 cases.

12 (v) Course materials or research materials used by
13 faculty members.

14 (w) Information related solely to the internal
15 personnel rules and practices of a public body.

16 (x) Information contained in or related to
17 examination, operating, or condition reports prepared by,
18 on behalf of, or for the use of a public body responsible
19 for the regulation or supervision of financial
20 institutions or insurance companies, unless disclosure is
21 otherwise required by State law.

22 (y) Information the disclosure of which is restricted
23 under Section 5-108 of the Public Utilities Act.

24 (z) Manuals or instruction to staff that relate to
25 establishment or collection of liability for any State tax
26 or that relate to investigations by a public body to

1 determine violation of any criminal law.

2 (aa) Applications, related documents, and medical
3 records received by the Experimental Organ Transplantation
4 Procedures Board and any and all documents or other records
5 prepared by the Experimental Organ Transplantation
6 Procedures Board or its staff relating to applications it
7 has received.

8 (bb) Insurance or self insurance (including any
9 intergovernmental risk management association or self
10 insurance pool) claims, loss or risk management
11 information, records, data, advice or communications.

12 (cc) Information and records held by the Department of
13 Public Health and its authorized representatives relating
14 to known or suspected cases of sexually transmissible
15 disease or any information the disclosure of which is
16 restricted under the Illinois Sexually Transmissible
17 Disease Control Act.

18 (dd) Information the disclosure of which is exempted
19 under Section 30 of the Radon Industry Licensing Act.

20 (ee) Firm performance evaluations under Section 55 of
21 the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (ff) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (gg) Information the disclosure of which is restricted
5 and exempted under Section 50 of the Illinois Prepaid
6 Tuition Act.

7 (hh) Information the disclosure of which is exempted
8 under the State Officials and Employees Ethics Act.

9 (ii) Beginning July 1, 1999, information that would
10 disclose or might lead to the disclosure of secret or
11 confidential information, codes, algorithms, programs, or
12 private keys intended to be used to create electronic or
13 digital signatures under the Electronic Commerce Security
14 Act.

15 (jj) Information contained in a local emergency energy
16 plan submitted to a municipality in accordance with a local
17 emergency energy plan ordinance that is adopted under
18 Section 11-21.5-5 of the Illinois Municipal Code.

19 (kk) Information and data concerning the distribution
20 of surcharge moneys collected and remitted by wireless
21 carriers under the Wireless Emergency Telephone Safety
22 Act.

23 (ll) Vulnerability assessments, security measures, and
24 response policies or plans that are designed to identify,
25 prevent, or respond to potential attacks upon a community's
26 population or systems, facilities, or installations, the

1 destruction or contamination of which would constitute a
2 clear and present danger to the health or safety of the
3 community, but only to the extent that disclosure could
4 reasonably be expected to jeopardize the effectiveness of
5 the measures or the safety of the personnel who implement
6 them or the public. Information exempt under this item may
7 include such things as details pertaining to the
8 mobilization or deployment of personnel or equipment, to
9 the operation of communication systems or protocols, or to
10 tactical operations.

11 (mm) Maps and other records regarding the location or
12 security of a utility's generation, transmission,
13 distribution, storage, gathering, treatment, or switching
14 facilities.

15 (nn) Law enforcement officer identification
16 information or driver identification information compiled
17 by a law enforcement agency or the Department of
18 Transportation under Section 11-212 of the Illinois
19 Vehicle Code.

20 (oo) Records and information provided to a residential
21 health care facility resident sexual assault and death
22 review team or the Executive Council under the Abuse
23 Prevention Review Team Act.

24 (pp) Information provided to the predatory lending
25 database created pursuant to Article 3 of the Residential
26 Real Property Disclosure Act, except to the extent

1 authorized under that Article.

2 (qq) Defense budgets and petitions for certification
3 of compensation and expenses for court appointed trial
4 counsel as provided under Sections 10 and 15 of the Capital
5 Crimes Litigation Act. This subsection (qq) shall apply
6 until the conclusion of the trial of the case, even if the
7 prosecution chooses not to pursue the death penalty prior
8 to trial or sentencing.

9 (rr) Information gathered by a Domestic Violence Fatality
10 Review Team under Article V of the Illinois Domestic Violence
11 Act of 1986.

12 (2) This Section does not authorize withholding of
13 information or limit the availability of records to the public,
14 except as stated in this Section or otherwise provided in this
15 Act.

16 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,
17 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;
18 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.
19 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff.
20 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised
21 8-3-06.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.